

REMARKS

The present application has been amended in response to the Examiner's Office Action to place the application in condition for allowance. Applicant, by the amendments presented above, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance.

Drawings

In the Office Action, the Examiner objected to the drawings for not being in compliance with 37 C.F.R. § 1.84(p)(5). Applicant submits herewith replacement drawings in compliance with 37 C.F.R. § 1.84(p)(5). In accordance with the rules, each replacement drawing sheet is labeled "Replacement Sheet" in the top margin.

Specification

The specification has been amended to define "CI" as indicated in Figure 2, and to correct a typographical error.

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Claim Rejections

Claims 1 through 12 and 16 through 20 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over United States Patent No. 6,765,391 (Rabenko et al.) in view of United States Patent No.: 6,996,094 (Cave et al). Claims 13, 14, and 15 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over United States Patent No. 6,765,391 (Rabenko et al.) in view of United States Patent No.: 6,996,094 (Cave et al) as applied to claims 1 through 12, 16 through 20 above, and further in view of United States Patent No.5,867,487 (Normand et al.).

Applicant respectfully traverses and asserts that the claims as originally filed are patentable over the cited references. The claims specifically recite detecting at least one Voice band Data relay gateway between a first and last Voice band Data relay gateway, and disabling the at least one Voice band Data relay gateway, whereby the at least one Voice band Data relay gateway does not encode and decode the Voice band Data. In rejecting the claims, the Examiner cited Cave et al. and asserted that "Cave et al. disclose the limitation of disabling the at least one Voice band data relay gateway between the first and last Voice band Data relay gateway."

Applicant respectfully disagrees. Cave et al. disclose the use of a Voice Response Unit (VRU) which is very different from a gateway. As described at col. 6, lines 63-66, VRU's are "network core devices" as opposed to a "network edge device" such as a gateway, and do not provide data format translation. Also pointed out at col. 10, lines 55-57, "gateways generally direct only the voice calls to the packet VRU and direct fax and modem calls elsewhere."

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Notwithstanding the fact that Applicant asserts that the claims as originally filed were patentable over the cited references, the claims have been amended to more specifically claim the present invention, and to further distinguish the claimed invention from that which is disclosed in the cited references. Claim 1 now specifically claims a method of processing Voice band Data in a communication path in a telecommunication network, where the communication path consists of a plurality of Voice band Data relay gateways, each being capable of encoding and decoding Voice band Data, including a first Voice band Data relay gateway, a last Voice band Data relay gateway, and at least one voice band Data relay gateway between the first and last Voice band Data relay gateways. The method, as claimed, includes steps of detecting the at least one Voice band Data relay gateway between the first and last Voice band Data relay gateways, and disabling the encoding and decoding capability of the at least one Voice band Data relay gateway between the first and last Voice band Data relay gateways, whereby the at least one Voice band Data relay gateway between the first and last Voice band Data relay gateways does not encode and decode the Voice band Data, despite being capable of doing so if not disabled, wherein only the first and last Voice band Data relay gateways are enabled and perform encoding and decoding of the Voice band Data. After detecting and disabling the encoding and decoding capability of the at least one Voice band Data relay gateway between the first and last Voice band Data relay gateways, the Voice band Data is transmitted from the first to the last Voice band Data relay gateway.

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As such, the claims are directed to a method where the middle gateways are detected and disabled, in order to streamline subsequent communication. This is not disclosed or suggested by the cited references, either alone or in combination.

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

Dated: June 2, 2006

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